
Witness Statement of Kristofer Andrew Bunker

I, Kristofer Andrew Bunker, state as follows:

1. This statement accurately sets out the evidence that I am prepared to give to the Queensland Parliament Health, Communities, Disability Services and Domestic Family Violence Prevention Committee (**Committee**) in relation to the Investigation into the closure of the aged care facility at Earle Haven Retirement Village in Nerang.
2. This statement is true and correct.

BACKGROUND AND QUALIFICATIONS

3. I am the founder and Global Chief Executive Officer of the global HelpStreet Group.
4. I was born in the United Kingdom and currently reside there.
5. I resided in Australia from 2009 to 2016.
6. I have 10 years' experience in the aged care industry.
7. In 2018, I was served with a Notice of Disqualification pursuant section 206F(3) of the *Corporations Act 2001* (Cth) by ASIC (**Notice**). The Notice has effect for three years from the date of issue.
8. I do not hold any director positions in the Australian based HelpStreet entities.

GLOBAL HELPSTREET GROUP COMPANY STRUCTURE

9. The global HelpStreet Group includes:
 - a. HelpStreet Global UK;
 - b. HelpStreet Global Ireland; and
 - c. HelpStreet Global Australia Pty Ltd.
10. HelpStreet Global Australia Pty Ltd owns HelpStreet Partnership (Aus) Pty Ltd.
11. HelpStreet Partnerships (Aus) Pty Ltd owns HelpStreet Villages (Qld) Pty Ltd (**HelpStreet Villages**).
12. HelpStreet Villages was placed into liquidation on 26 August 2019.
13. David Lamb is the former Chief Executive Officer of HelpStreet Villages and Michael Lamont is the former director of HelpStreet Villages.

BACKGROUND OF HELPSTREET IN AUSTRALIA

14. In or around August 2011, I founded the HelpStreet companies in Australia.
15. The HelpStreet companies in Australia initially provided contract podiatry services to the aged care industry. HelpStreet started working with one nursing home located in

Wollongong. That nursing home referred HelpStreet to another, and the business continued to expand to incorporate additional allied health services.

16. It was a natural progression for the business that HelpStreet would eventually partner with aged care service providers to manage aged care facilities.
17. The objective from the outset was for HelpStreet to provide ethical and sustainable care to the aged care industry.

MY ROLE AND RESPONSIBILITIES

18. In my role as Global Chief Executive of the global HelpStreet Group, I am responsible for the global strategy of the HelpStreet Group, and am involved in the HelpStreet Group's business development, client services and management activities.
19. As part of my role in executing on HelpStreet Group's strategy, I helped HelpStreet Villages establish its relationship with People Care Pty Ltd (**People Care**).
20. Generally, I have not been involved in the day-to-day operations of HelpStreet Villages and the other Australian based HelpStreet companies.

CONTRACTUAL ARRANGEMENTS BETWEEN PEOPLE CARE AND HELPSTREET

21. On or around 9 April 2018, HelpStreet Partnerships Pty Ltd entered into a non-binding Heads of Agreement with People Care and Miller Enterprises Pty Ltd (**Miller Enterprises**).
22. Pursuant to this Heads of Agreement:
 - a. People Care agreed to appoint HelpStreet Partnerships Pty Ltd to manage Orchid House and Hibiscus House at Earle Haven Retirement Village (**Aged Care Facility**) for and on behalf of People Care.
 - b. Miller Enterprises agreed to enter into a lease agreement with HelpStreet Partnerships Pty Ltd to lease the premises from which the Aged Care Facility operated.
 - c. HelpStreet Partnerships Pty Ltd agreed to employ all existing staff employed by People Care and agreed to indemnify People Care in respect of any claim made by any employee against People Care.
 - d. HelpStreet Partnerships Pty Ltd agreed to hold all proper and adequate insurance including in the joint names of HelpStreet Partnerships Pty Ltd, People Care and Miller Enterprises.
 - e. People Care agreed to remain the approved provider and retain ownership of the aged care provider license.
23. It was agreed that within 90 days of the Heads of Agreement being signed, HelpStreet Partnerships Pty Ltd, People Care and Miller Enterprises would enter into further agreements in order to give effect to the Heads of Agreement.
24. After the Heads of Agreement was signed, the position was adopted that HelpStreet Villages would manage the Aged Care Facility, rather than HelpStreet Partnerships Pty Ltd.

25. A Management Services Agreement was drafted between HelpStreet Villages and People Care.
26. HelpStreet Villages commenced managing the Aged Care Facility in or around April 2018 in reliance on the fact that the Management Services Agreement would be finalised and signed within the 90 days after the Heads of Agreement was signed.
27. The Management Services Agreement was not finalised within the 90 days, and no written agreement was signed by HelpStreet Villages and People Care and/or Miller Enterprises.

MY INVOLVEMENT WITH MANAGING THE RELATIONSHIP BETWEEN HELPSTREET AND PEOPLE CARE

28. During the initial 90 day term after HelpStreet Villages took over management of the Aged Care Facility, it was verbally agreed that People Care would pay an amount to HelpStreet Villages, per day per bed.
29. For the period that HelpStreet Villages was providing management services at the Aged Care Facility, HelpStreet Villages issued its invoices to People Care on this basis.
30. Shortly after HelpStreet Villages started providing management service at the Aged Care Facility, it encountered difficulties with Arthur Miller, owner and Chief Executive Office of People Care, in regards to payment of its invoices. HelpStreet Villages' accounts department would initially escalate any unpaid invoices to David Lamb. If David was not able to resolve the payment issues, he would in turn raise the matter with me so that I could discuss with Arthur Miller. I spoke with Arthur Miller several times about the non-payment of the invoices prior to 10 July 2019. Notwithstanding my discussions with Arthur Miller, invoices remained unpaid.

MY INVOLVEMENT IN THE EVENTS LEADING UP TO 11 JULY 2019

31. On 8 July 2019, Steindls Lawyers acting on behalf of People Care and Miller Enterprises sent a letter marked attention to David Lamb and myself. A copy of this letter is **annexed** and marked '**KB1**'. In this letter issued were raised by People Care and Miller Enterprises with respect to the care that HelpStreet Villages' staff provided to the residents of the Aged Care Facility and on this basis People Care sought to terminate HelpStreet's license to occupy the Aged Care Facility. HelpStreet disagreed that there were any issues with the standard of care being provided by its staff.
32. On receipt of the letter (refer '**KB1**') on or about 10 July 2019 I recall having a discussion with David Lamb about the serious concern we had as to whether HelpStreet Villages would be paid by People Care.
33. On 10 July 2019, I called Mr Gerry Epstein of Steindls Lawyers and advised that HelpStreet Villages accepted People Care and Miller Enterprises' termination of the licence to occupy the Aged Care Facility.
34. During that conversation, I explained that a longer period of time than until 9 August 2019 would be required to transition management of the Aged Care Facility from HelpStreet Villages to People Care.
35. On 10 July 2019, Mr Gerry Epstein of Steindls Lawyers emailed me directly in relation to the termination of HelpStreet Villages licence to occupy the Aged Care Facility. A copy of this email is **annexed** and marked '**KB2**'.

36. On 10 July 2019, I emailed Mr Gerry Epstein of Steindls Lawyers and made demand for payment on behalf of HelpStreet Villages. A copy of this email is **annexed** and marked '**KB3**'. The purpose of making the demand was to impress upon Arthur Miller and People Care the seriousness of the situation and the need for People Care to make payment to HelpStreet Villages.
37. On 11 July 2019, I received an email from Mr Gerry Epstein of Steindls Lawyers which advised that Arthur Miller was willing to meet at the Aged Care Facility. A copy of this email is **annexed** and marked '**KB4**'.

MY INVOLVEMENT WITH THE EVENTS OF 11 JULY 2019

38. I agreed to meet with Arthur Miller at the Aged Care Facility on 11 July 2019, because this seemed as though it was the only way that it would be at all possible for us to reach a sensible resolution. David Lamb also agreed to attend the Aged Care Facility on 11 July 2019 for the purposes of meeting with Arthur Miller.
39. I arrived at the Aged Care Facility at or around 8.00am on the morning of 11 July 2019.
40. At or around 9.00am I held a meeting with David Lamb, Karen Parsons, Danni Robertson, Telecia Tuccori and Kimberley Parsons (all employees of HelpStreet Villages).
41. During this meeting, I explained that:
- a. I had sent the email to Steindls Lawyers making the demand for payment (refer to '**KB3**');
 - b. based on past dealings with Arthur Miller, I was unsure how Mr Miller would react to the demand; and
 - c. if Arthur Miller and/or People Care did not pay HelpStreet Villages, there would be financial difficulties which could potentially affect HelpStreet Villages' staff.
42. Arthur Miller arrived at the Aged Care Facility sometime in the morning. David Lamb and I met with Arthur to discuss the issues that had been raised in the letter (refer to '**KB1**') as well as the handover of the Aged Care Facility to People Care, and the monies owed to HelpStreet Villages. We hoped that a sensible resolution could be achieved. Arthur Miller refused to negotiate with us and the situation became entirely frustrated.
43. At or around 1.30pm, I called a meeting with all staff to discuss the situation and Arthur Miller's refusal to negotiate with us. The meeting was held in the reception of the Aged Care Facility (as there is no formally meeting room).
44. During this meeting, staff were informed that:
- a. HelpStreet Villages were owed a significant amount of money by People Care and a demand for payment had been made, however there were concerns as to whether payment would be made; and
 - b. People Care required HelpStreet Villages to vacate the facility by 9 August 2019.
45. During this meeting, Arthur Miller came down to the reception area and starting yelling at myself and David Lamb and the staff.

46. I do not recall the specific words that Arthur Miller was yelling. However, I recall that his intrusion and subsequent antics, caused major disruption and distress to the staff.
47. The situation escalated quickly. Telecia Tuccori called '000' and emergency services as well as representatives from the Department of Health arrived at the Aged Care Facility. The Aged Care Quality Commission was also notified of the situation.
48. At no stage on 11 July 2019, was an executive decision made by HelpStreet Village to vacate the Aged Care Facility. The evacuation of residents from the Aged Care Facility was arranged by the emergency services and representatives of the Department of Health to ensure the safety of the residents.
49. Myself, David Lamb, Karen Parsons, Telecia Tuccori and other staff remained at the Aged Care Facility to provide assistance to the authorities until at least 7pm that night.

Miscellaneous matters*The removal of the servers from the Aged Care Facility*

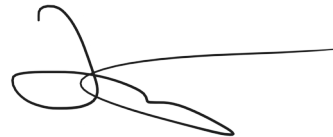
50. I am aware that the computer server was removed from the Aged Care Facility on or around 9 July 2019 for the purposes of an upgrade. The removal of the server was unrelated to the events that transpired leading up to and on 11 July 2019.

Collection of resident fees by HelpStreet Villages after 11 July 2019.

51. My understanding is that all resident fees that were collected by HelpStreet Villages after 11 July 2019, have been refunded.

Name: Kristofer Andrew Bunker

Signed:



Date: 8th October 2019

Steindls
Lawyers and Notary
ABN 82 547 604 727
Established 1945

Our Ref: GBE:200019
Your Ref:
Direct Telephone: 07 5570 9500
Email: [REDACTED]

8 July 2019

The Directors
HelpStreet Villages (Qld) Pty Ltd; and
The Directors Help Street Partnerships Pty Ltd
C/- Earle Haven Retirement Village
62 Lawrence Drive
Nerang Qld 4211

Attention: Mr David Lamb & Mr Kristopher Bunker

By Delivery

Dear Sirs

**RE: PEOPLE CARE PTY LTD – HELPSTREET
AGED CARE FACILITIES – ORCHID HOUSE AND HIBISCUS HOUSE, EARLE
HAVEN LAWRENCE STREET NERANG**

We advise that we act on behalf of People Care Pty Ltd (People Care) and Miller Enterprises Pty Ltd (Miller Enterprises).

People Care is the Accredited Licence Holder of the Aged Care facilities known as Orchid House and Hibiscus House located within the Earle Haven Retirement Village (Earle Haven) situated in Lawrence Drive, Nerang, the premises which HelpStreet currently occupy under licence from Miller Enterprises and which business HelpStreet currently “manages” on behalf of People Care.

At the commencement of the negotiations with People Care, Help Street indicated an intention to purchase the Aged Care facilities owned and operated by People Care, and Miller Enterprises indicated that, subject to successful negotiations between HelpStreet and People Care, Miller Enterprises would be prepared to grant a lease in favour of HelpStreet in respect to the premises known as Orchid House and Hibiscus House owned by Miller Enterprises.

After initial meetings between HelpStreet and our clients, it became apparent to our client that HelpStreet was not in a financial position to purchase our client’s Aged Care business (as advised by HelpStreet), and discussions then took place with regard to an alternate arrangement whereby HelpStreet would enter into a Management Agreement with People Care and a Lease with Miller Enterprises. A Heads of Agreement setting out the intent of the parties was drawn up and entered into on 17 April 2018, with an express acknowledgement by both parties that the Heads of Agreement was merely a recording of the intent of the parties and specifically stated that the document “*was not formal and binding on either party unless and until formal*

Partners

Warren E Boston
Notary Public

Robert B Boston

Gerald B Epstein
B. Comm. LLB

Senior Associate
Shosei Yamamoto
MBA, Juris Doctor

Associate
Matthew J Jones
LL.B, B.I.R

documentation had been entered into and signed by all parties". The Heads of Agreement also provided a 90-day time frame in which to reach agreement on the terms and formal documentation being entered into.

Given that HelpStreet were not able to purchase our client's Aged Care business and that as HelpStreet were simply "managing" the business on behalf of People Care, Mr Miller of our client, at the outset expressed his concern that at all times the Licence and Accreditation held by People Care was at risk if HelpStreet did not "perform". People Care advised that it was an essential term of any agreement entered into that HelpStreet must carry proper and adequate insurance (amongst other things) to protect People Care in the event of the imposition of sanctions by the relevant government authority.

Draft agreements were prepared and passed between ourselves and your former solicitors and subsequently directly between People Care and yourselves. Despite all parties' best intentions, agreement has not been reached as to the terms and conditions of any ongoing arrangement between People Care and Help Street and at this point in time there has been no agreement as to terms and conditions in regard to ongoing arrangements between the parties.

Furthermore, HelpStreet has been unable or unwilling to obtain adequate and proper insurance to protect our client, not only in respect to the "usual" insurable risks, but also in respect to any costs which our client might likely incur should HelpStreet be in breach of the 44 Accreditation Standards under the relevant legislation. This requirement for insurance was a fundamental and essential term required by our client if any agreement was to be entered into between the parties.

Furthermore, notwithstanding the issue of the unwillingness or inability of HelpStreet to provide evidence of the requisite insurance cover, our client is most concerned as to the day to day management and conduct of the Aged Care facility since HelpStreet have had the management and control of our client's business. As you are aware, People Care holds the Aged Care Licence and it is our client's licence and our client's business which is at risk unless and until HelpStreet are in a position to obtain their own licence and have sufficient funds to purchase the business from our client.

We are advised that on numerous occasions, our client's representatives have communicated with HelpStreet and their representatives both in writing and verbally, the issues of concern to our client and notwithstanding those communications, our client is still having to deal with problems and issues which arise on a daily basis, which issues are putting our client's Licence and business at extreme risk.

We have taken detailed instructions from our client in regard to matters of concern and we enclose with this letter a Statement provided by our client setting out their concerns as to the management and operation of Orchid House and Hibiscus House by Help Street.

As you can see from the Statement of Concerns attached, the issues raised by our client are most serious, and if allowed to continue would place our client's Licence and business at serious risk. Notwithstanding that no Management Agreement has ever been entered into between the parties, we would submit that on any interpretation, it was always an implied term of the arrangement between People Care and HelpStreet, that HelpStreet had the necessary skills, resources and expertise to operate the business owned by People Care and that HelpStreet owed a duty of care to both People Care and the residents. Clearly, based on the matters raised in the

attached Statement, that is not the case and the duty of care obligation has been breached. People Care no longer has the trust and confidence that HelpStreet have the ability to properly manage our client's Aged Care facilities.

As no Lease or Management Agreement has ever been entered into between the parties, as envisaged by the Heads of Agreement dated the 17th of April 2018, we would submit that Help Street occupies the premises owned by Miller Enterprises under licence and not as a tenant, and therefore on that basis, Miller Enterprises are entitled to revoke that Licence to Occupy at any time.

Whilst given the level of concern that our client has in relation to the ongoing management of its business, our client is minded to revoke the terms of the Licence to Occupy immediately, however, given that the welfare of the residents of Orchid House and Hibiscus House is our client's main priority and concern, our client seeks an orderly withdrawal from the premises and hand over of the management and control of the business over a period of time and therefore we have been instructed to advise that our client hereby revokes the licence to occupy the premises known as Orchid House and Hibiscus House effective as at 5pm Friday the 9th August 2019.

During the period between now and the 9th of August 2019, our client requests delivery in an orderly fashion of all resident records, plant and equipment and other property both real, personal and intellectual owned by our clients including an orderly transfer of any and all staff currently employed by HelpStreet who our client may wish to offer ongoing employment and who may wish to seek ongoing employment with our client.

Our client sincerely trusts that given the seriousness of the matters raised in the enclosed Statement of Concerns and the likely impact those concerns may have on the ongoing viability of our client's business and the priority of residents' needs, HelpStreet accept our client's position and works cooperatively towards a smooth transition of the business and the premises from HelpStreet to our clients.

Should the situation arise where the parties are in a position in which People Care can properly assume recontrol of the business it may well be that by agreement the revocation of the Licence may be able to take effect on a date earlier than 30th August 2019.

Notwithstanding, our clients reserve their rights in respect to any loss or damage caused to the business as a consequence of the Management of Orchid House and Hibiscus House from the date of occupation of the facilities to the date of departure by HelpStreet.

Yours faithfully
Steindls Lawyers & Notary



Gerry Epstein
Partner



62 Lawrence Drive, Nerang, Q 4211 Phone 07 5578 3433 Fax 07 5578 1926

Web www.earlehavenretirement.com.au People Care Pty Ltd ABN 38 009 849 110

Outline of concerns raised by People Care Pty Ltd regarding the continuation of HelpStreet Pty Ltd management of residential and home care services

People Care Pty Ltd has identified through consumer and staff complaints, financial management, unwillingness to work in partnership with the approved provider and outcomes of clinical audits, HelpStreet Villages Pty Ltd do not have the capacity to assume responsibility for creating a physical, social, spiritual and inclusive environment where every person will feel comfortable.

People Care Pty Ltd has always been committed to the provision of quality care and a standard of excellence in all our services to this community at Earle Haven Retirement Village, Hibiscus and Orchid Houses and home care recipients living in the Lodge. People Care Pty Ltd identify that HelpStreet Villages Pty Ltd does not have the same values, vision and commitment to its people.

Over the past six weeks audits have been conducted by an independent auditor for People Care Pty Ltd RAC # 5223, Approved Provider Mr Arthur Miller.

The purpose of these audits was in response to the concerns raised through written and verbal feedback and complaints he has received from consumers and their families living in Hibiscus and Orchid House; and home care recipients living in the Lodge at Earle Haven Retirement Village. These concerns are regarding the quality of care, hospitality services and staffing levels across both houses and home care as managed by HelpStreet Villages Pty Ltd.

The Approved Provider is concerned about the impact of these concerns and complaints on the consumer and the compliance of the homes and home care in delivering care and services.

Compliance is assessed against the Quality Aged Care Standards (previously Accreditation Standards) that are used to assess all residential aged care facilities. The Aged Care Quality and Safety Commission accredits and monitors residential aged care and home care services within Australia.

The audits and reports are available as follows. All information regarding the outcomes of the audits has been provided to HelpStreet Villages Pty Ltd both in oral and written form

- People Care Pty Ltd Independent Audit Hibiscus and Orchid House May 20 – 24, 2019
- Clinical Audit June 04 to 06, 2019
- Clinical Audit Report June 04 to 06, 2019
- Clinical Audit follow-up June 19 to 20, 2019

Feedback and complaints

Consumers/families continue to raise concerns to Mr. Miller about:

- the provision of care by HelpStreet Pty Ltd management and staff
- poor staffing levels
- agency staff employed to provide care
- agency staff mostly good; may not know residents or routines
- management attitude towards them; uncaring, "no compassion, love or care"

The philosophy of Earle Haven Retirement Village is for residents to age in place. This has been a very long-term approach. Ageing in place is about aged care residence that continues to accommodate and provide support to residents as their care needs increase, if the environment is appropriate to meet their needs.



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Feedback from retirement village indicates residents living here will not access the nursing home if there is a need for permanent or respite care; they have based these statements on hearsay and feedback that is occurring around the village.

The Approved Provider understands from time to time consumers or their families will raise concerns, complaints or other feedback. People Care Pty Ltd recognises through the written and verbal complaints received, that there is little confidence in the HelpStreet Pty Ltd management team to actively deal with complaints and/or be accessible enough to prevent issues becoming complaints that may also get reported to the Aged Care Commissioner.

People Care Pty Ltd is committed to resolving complaints through its open and accessible management approach and ensures that those consumers wishing to provide feedback and/or make a complaint do so without fear of losing their care or being disadvantaged in any way. People Care Pty Ltd questions whether those consumers or families can make a complaint based on the same merits as these commitments and expectations.

Having asked complainants as to why they will not report these concerns to HelpStreet management, answers continue to include: "nothing gets done"; "I do not trust them". Also asked if concerns about loved ones have been raised: "yes, individually and at resident meetings".

Staff changes

HelpStreet Pty Ltd staff members continue to raise concerns with Mr. Miller about:

- change in roster without due notification
- change in award without due notification
- financial impact of the above
- distrust of management
- resignations due to lack of staff availability, use of agency staff across Hibiscus and Orchid House/s and Home Care changed staff hours

Continued staff changes have led to inconsistent care approaches as recognised through the clinical audit/s.

Through the written and verbal complaints received from HelpStreet staff members to the approved provider, discussions the approved provider has had with the Queensland Nurses and Midwives Union and discussions with Mr David Lamb CEO HelpStreet Pty Ltd, People Care Pty Ltd recognises that there is little confidence in the HelpStreet Pty Ltd management team.

People Care Pty Ltd is committed to ensure that adequate numbers of appropriately skilled and trained staff are available for the safe delivery of care and services. The organisational structure of People Care ensures staff receive adequate supervision, education and training. People Care Pty Ltd abide by the *Fair Work Act 2009* in relation to the management of their human resources.

People Care Pty Ltd questions whether staff members of HelpStreet are employed based on the same merits as these commitments and expectations.

Financial management

- currently up to 20 empty beds across Hibiscus & Orchid House (89 bed licences)
- home care packages are minimal (approximately 32)
- two residents from EHRV Lodge have put in notice to sell and leave; complaints registered from these two families; this is directly related to care a resident received whilst in respite care in Hibiscus House recently



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- Staff superannuation believed not up to date as of 30 June 2019

Use of the name 'Nerang Village'

- this term never agreed to by Mr Miller
- no mention of Earle Haven Retirement as the address

Insurance

- Verbal and written communication with HelpStreet Villages Pty Ltd and People Care Pty Ltd regarding insurance for Public Liability, Workers Compensation and Malpractice remain unresolved.
- HelpStreet have not provided any evidence that these insurances are current

Clinical Care

- Clinical care audits demonstrate that appropriately skilled and trained staff are not consistently available for the safe delivery of care and services
- The above-mentioned audits identified areas of clinical concern including nutrition and hydration, medication management, assessments and care planning, behaviour management and other areas such as complaint management.
- HelpStreet Villages have an action plan in place now to respond to these matters.
- This could take more than three months to attain; education & training, follow-up of care is necessary for sustainable practises.

On 10 Jul 2019, at 06:50, Gerry Epstein [REDACTED] wrote:

Kris

I refer to our recent telephone conversation and note your advice that you accept our client's termination of the Licence to Occupy but that you feel that a longer period of time than the 9th August 2019 is required to transition the business.

We also note your advice that you believe you are entitled to a financial compensated from our client in order to transfer certain assets owned by HelpStreet, which you feel may be required by our client in order to conduct the ongoing business of the Aged Care Facility.

We note that you are to provide a written response to our recent letter and your proposal in regard to the transition and we look forward to receipt of that correspondence as soon as possible, whereupon we will obtain our client's instructions and revert to you as soon as possible thereafter.

In the meantime we note your advices to us during the course of our telephone conversation that you have removed the computer server from the premises and our client has confirmed that that server has indeed been removed. Whilst, as you allege, that server may be the property of HelpStreet (which is neither acknowledged nor denied by our client at this stage), we advise that the residents' health and medical records contained on that server are the property of the residents and must remain on the premises in order for the staff to have access to those records for the ongoing health and welfare of the residents of the Aged Care facility.

We are advised that the ongoing health and wellbeing of those aged care residents is at risk if the onsite staff do not have access to those medical records and our client places you on notice that it will hold HelpStreet and its directors liable should any issue arise with the residents as a consequence of those records not being available on site.

We are instructed to demand that the client records be forthwith returned to Orchid House and Hibiscus House by the close of business today, failing which our client will have no alternative but to make a formal complaint to the

police due to the ownership of those records and the ongoing risk posed to the residents.

Would you please confirm that the client records will be returned prior to the close of business today and in the meantime, look forward to receipt of your written response to the matters raised in our recent correspondence and during the course of our telephone conversation this afternoon.

Regards,

Gerry Epstein | Partner
Steindls Lawyers & Notary
PO Box 605
SURFERS PARADISE Q 4217

Tel: (07) 5570 9500

Mob: [REDACTED]

Fax: (07) 5592 2007

Email: [REDACTED]

Web: www.steindls.com.au

<image001.jpg>

The best compliment any client can give us is the Referral of a Friend, Family Member or Colleague who could also benefit from our service. Please pass on our details.

"The information contained in this email is confidential and may be subject to legal professional privilege. It is intended solely for the addressee. If you receive this email by mistake please promptly inform us by reply email or by telephoning the phone number listed above and delete the email and destroy any printed copy. You must not disclose or use in any way the information in the email"
Liability limited by a scheme approved under professional standards legislation.

We invite you to 'like' our Facebook page by clicking the link below.

<image002.jpg>

From: Kristofer Bunker [REDACTED]
Sent: Wednesday, 10 July 2019 5:17 PM
To: Gerry Epstein [REDACTED]
Subject: Re: People Care - HelpStreet

Gerry,

We can confirm that the servers have been removed from the facility. This was not done to prevent patient care but to ensure that upgrades can be made and private HelpStreet information removed.

The patient documentation will be accessible immediately upon the servers being reinstalled and in that time continuity of care is being maintained by proper documentation being undertaken on a paper based system and all historical notes are backed up in 2 locations to ensure nothing is lost during this brief time.

Financial evidence of HelpStreets purchasing of said servers is obviously available upon request and if needed in line with the current situation.

HelpStreet is strong in its conviction that continuity of patient care is maintained during this period and we will do everything to ensure that that continues.

In relation to payments required to HelpStreet as discussed on the phone today, please see below;

Outlined Payments required

July Advance estimated at \$430,000+GST (This is an estimate based on previous months) - If exit terms are extended, this figure could increase

August 1st - 9th Advance estimated at \$124,838+GST (This is an estimate based on previous months for the 9 days)

Capital Investment estimated \$250,000+GST - this includes new computer systems and servers, patient management software, firewall security, golf buggies, cars, mobile phones iPads etc

Staff Liability est \$275,000+GST plus any possible redundancy costs if staff chose not to move across to People care

HelpStreet Early Settlement compensation based on 9 years at the lower estimated loss of earning \$1.2m+GST PA (\$10.8m+GST over 9 years - **HelpStreet will accept 25% (\$2,700,000+GST)** as an early settlement payment which will include the transfer of ALL IP inc accreditation documentation around the new standards, CQI systems, education platforms and support from HelpStreet ensuring a smooth transition of the service over to People Care Pty Ltd

HelpStreets Rental Bond of \$109,636.86 + GST held by People Care

This totals \$3,889,474.86 + GST required to be paid to HelpStreet Villages (QLD) Pty Ltd in order to complete on an orderly exit, although the time frame suggested by People Care I feel is unrealistic, when the Unions get involved, this is going to drastically slow the process down.

The alternative is to purchase out right the business HelpStreet Villages (QLD) Pty Ltd, this would be quicker and less time consuming when you consider the staff would not need to be moved across, and possibly achievable in the time frame set out by People Care.

I require confirmation and certainty in writing today before 11.59pm, 10th July 2019 of the the payment to made to Helpstreet and then 12pm tomorrow, 11th July 2019 for receipt (remittance) of 50% of payment with cleared funds following, a further 25% paid as cleared funds on the 30 July 2019 and the final 25% being made on the 9th August 2019 (or the final day should the exit term be extended) completing the transition to People Care Pty Ltd.

Due to uncertainty in the future of Helpstreet Villages (QLD) Pty Ltd due to lack of confirmation of payment from People Care in any form, at the time of writing this email, should the deadlines set out in this email pass, we will have no choice but to place Helpstreet Villages (QLD) Pty Ltd into administration with immediate effect, ultimately causing the home to be closed, my fear should staff get wind of the current situation before we agree terms and make an official press release, or worse the agency, or local press, this situation could become unavoidable.

My mobile number should you wish to discuss this further is [REDACTED].

Regards,

Kristofer Bunker | Global Group Chief Executive & Chairman

Help Street
Group **Ethical,
Sustainable
care for a happier,
healthier world.**

Your Global Care Community. w: helpstreetgroup.com

From: Gerry Epstein [REDACTED]
Subject: RE: People Care - HelpStreet
Date: 11 July 2019 at 01:16:01 BST
To: Kristofer Bunker [REDACTED]
Cc: Arthur Miller [REDACTED]

Kris

We acknowledge receipt of your email sent at 5.17 pm on 10 July 2019.

We are instructed to advise that

1. Our client will attend to payment of any monies owing to the 30 June 2019 and up to the date of departure from the premises by HelpStreet provided that:
 - (a) Our client can be satisfied that all staff are paid all their entitlements; and

- (b) All monies owing to our client are paid; and
 - (c) All patient records and other documentation required to allow our client to properly manage the Aged Care facility is delivered to our client; and
 - (d) All plant and equipment the property of our client in the possession of HelpStreet or its agents is delivered up to our client in good order and condition having regard to their condition as at the date HelpStreet took possession of our client's premises.
 - (e) An audit of the management does not reveal any breaches of the Accreditation Standards which would put our client's Licence at risk.
2. Our client denies that HelpStreet are entitled to any payment by way of compensation. HelpStreet occupied our client's premises under a licence to occupy and no agreement was ever reached as to the terms of any Management arrangement. Our client is not prepared to pay any amount HelpStreet claim they are entitled to by way of compensation.

You advised that you are on site and would like to meet directly with Mr Miller of our client company.

We are instructed to advise that Mr Miller is prepared to meet with you to discuss an orderly transition of the business and the employment of such staff as our client may wish to offer employment.

Regards,

Gerry Epstein | Partner
Steindls Lawyers & Notary
PO Box 605
SURFERS PARADISE Q 4217

Tel: (07) 5570 9500
Mob: [REDACTED]
Fax: (07) 5592 2007

Email: [REDACTED]

Web: www.steindls.com.au



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